



Lamoine Board of Selectmen Minutes of November 16, 2006

Chair Jo Cooper called the meeting to order at 7:07 PM

Present were Selectmen Richard Fennelly Jr., Cynthia Donaldson, Perry Fowler, Brett Jones, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Planning Board members Michael Jordan, Michael Garrett, Stuart Branch and Asst. Town Clerk Kathleen DeFusco

Agenda Review – There were no changes to the agenda. Several members had items they said they wished to discuss under “other business”.

School Building Update – Stu said he had received an official request from the school committee for a special town meeting referendum on January 23, 2006. He said he’d prepared an order which would alert the town clerk and the school department of approval of that date. Jo moved to approve the request and sign the order. Cynthia 2nd.

Vote in favor was 5-0. Stu noted that Town Clerk Jennifer Kovacs is likely to be on maternity leave at that time, so he will be prepared to run the referendum voting process.

A lengthy discussion followed on the building process and the meeting of the previous evening. Among the areas discussed were:

- Costs – the need for the absolute bottom line total cost to be presented to voters
- Design – the need for a clear communication and information to voters on what the final design plan is.
- What savings would be achieved by combining the renovation project with any additional classroom space construction
- The potential cost on present values by delaying the addition project
- Future operating costs
- Whether more teachers would have to be hired with additional space
- Consolidation – whether it’s a realistic possibility
- Timing of the votes and the public hearing schedule

Stu noted he’d received two lengthy e-mail messages earlier in the day from Richard. He asked if those should be forwarded to the appropriate school officials. Richard said that would be a good idea.

Deputy Code Enforcement Officer – Michael Garrett said when he first saw the concept of a planning board member potentially serving as the Deputy CEO he felt it was a cockamamie idea, but now he’s come to think it would be workable. He said there is a calculated creation of a potential conflict of interest. He said if the CEO makes a

decision and the Planning Board disagrees, there's the potential to butt heads. He said if the Planning Board makes a decision the CEO disagrees with, there is the potential the CEO could not enforce the Planning Board decision. He said having the full CEO serve on the Planning Board would be out of the question. He said the Planning Board has 7-members and one could exclude himself without much of a problem.

Jo presented a hypothetical involving a subdivision approval and asked if that might contain a conflict of interest. Discussion followed on potential conflicts of interest. Planning Board Chair Stuart Branch said he didn't see much of a conflict. He said the problem could be that when the CEO offers advice to someone and it comes before the Planning Board which might have a different answer. He said he thought it was a workable situation. Michael Jordan said the Deputy position is a part time position which might deal with four things a year. He said if he were hired and moved into the full CEO position he would step down from the Planning Board. He said his purpose in seeking the Deputy's position was to give him the opportunity to get more insight into both jobs.

Cynthia asked if the Deputy CEO automatically moves into the CEO job. Several members answered that is not automatic. Cynthia said if the board does things because they have the right person for it, the board has to be willing to say when the wrong person is in place. Perry said the facts have to be present for this position to work. Richard said on the face of it, having a Deputy CEO serving on the Planning Board seems to work. Cynthia said she meant the positions need to be defined. Jo said the job description drafted is pretty good. She said she'd like to finalize that job description after getting feedback from the Planning Board. Those planning board members present said the description looks OK to them.

The Board asked that interviews with the two applicants for the Deputy CEO position be scheduled for December 7th. Jo said she would like to review the meeting calendar after the meeting for a conflict on that date.

MRC Delegate – Richard moved to cast Lamoine's vote for John Chisholm, the incumbent. Jo 2nd. **Vote in favor was 5-0.**

Handicap Access to Town Hall – Stu reported Ralph Murphy installed the rail on the building this week. He said he spoke with Glenn Crawford earlier in the day, and if it ever stops raining, the rail for the ramp would be installed soon after Thanksgiving. Kathy DeFusco asked if there would be rails on both sides of the ramp. Stu said no. Brett asked how bad the drop-off was on the back side. Stu said there was not much of one.

Hancock County Planning Commission Support Letter – Jo moved to sign a letter of support to the Hancock County Planning Commission as they seek grants for solid waste management. Perry 2nd. **Vote in favor was 5-0.**

Cable TV Meeting – Stu reported he, Donna Theall and Merle Bragdon attended the meeting with Time-Warner in Bangor earlier in the day. He said much of the discussion

was about extending cable lines, and that Time Warner would be offering telephone service, which would make build-outs more attractive to them. He said Mrs. Theall seemed satisfied that they are receptive to looking at developed areas. He said the surveys of whether an area meets the density requirement for construction have not had a single set of parameters in the past and that the company was developing a standard measurement.

Stu also reported that he checked into an IP address for the town office so the website could be hosted locally. Brett explained what an IP address does vs. just web hosting.

Election Day – Stu noted the new equipment provided by the Secretary of State's office. He said no one used the AVS system that allows a ballot to be faxed. He said the trainers encouraged poll workers to use it, but there was not enough time to devote to the 15-to-20 minutes it took to cast a ballot via the system to free up a poll worker for that.

Stu said the other new aspect of elections was the Centralized Voter Registration system. He said Lamoine was one of the very few towns that utilized it during Election Day. He said the system works, though it's much more difficult to update voter information than the local system we've used for years. He explained that the idea was to better maintain voter lists statewide by tracking voters who move.

Budget Update – Stu said the Land Conservation Initiative that has grown out of the Conservation Commission has written a request to the Selectmen to place an article on the town meeting warrant to raise \$1,000. He said he's not sure what the purpose is. Michael Garrett said the purpose was to start a land acquisition fund so that when the time comes to purchase a piece of land, the money is available. He said if the fund were started, people could contribute to it.

Brett asked if they've looked into doing that as a private entity instead of as a town. He said he's not sure if this is a function of town government. A discussion followed about whether this should be public or private. Brett said he was unclear about the purpose of a land purchase; whether it would be for a municipal facility or for conservation only. Perry said it looks like it would be designated only for conservation purposes. He said that would be no different than a reserve fund. Mr. Garrett said Falmouth has done this for years and recently found and purchased a property with the money they'd set aside. Jo said the parameters for conservation purposes need to be very clear. Brett said the definitions put before the town have to be carefully worded. Mr. Branch asked if any expenditure from the fund would have to be approved by Town Meeting. Stu said he believed so.

Stu reported that Steve Joy called him this afternoon and said he wanted to donate a piece of land to the town for it to sell with the proceeds to go to the Jina's Gym fund, and that would be on the next meeting agenda.

Expenditure Warrant 10 – Selectmen signed warrant 10 for \$ 215,483.56. Stu noted nearly \$196,000 was for school expenditures. He said he moved \$100,000 from investment management to the checking account to cover the expenditures.

Cash & Budget Report – There were no questions

Checking Account Reconciliation – Selectmen signed the form expressing satisfaction with the checking account review.

Deposit Discrepancy – Stu reported two checks taken in had conflicts between the figures and written amounts. He said both customers have made up the difference. He said another check contained poor handwriting and the bank initially credited it for \$500 less than it was made for. He said the bank has corrected that situation.

Other Business – Mr. Branch asked if the Selectmen had seen the communication from the MMA Legal department regarding the Belch subdivision. Stu said he placed it with the material tonight. Mr. Branch said the Planning Board made a mistake when approving the shorefront lots, and the Belches had been guided by a former CEO that their method of measuring was OK. He said the problem is the town's fault, and he does not want to financially hurt the applicants. Mr. Garrett said the Belches have used the shorefront lots as collateral. Mr. Branch said he favors an option that would allow the Selectmen to enter a consent agreement on the shore frontage of the lot. A short discussion followed on DEP standards and how they might react to a consent agreement.

Jo asked what the mechanism is to reach a consent agreement. Stu said the town attorney should be contacted. Jo asked if the Selectmen were jumping the gun by not consulting with the Planning Board first. Mr. Garrett said they could wait for the full board's opinion. Jo said she was more comfortable with that. Stu asked if he should give the Belches a copy of the e-mail from MMA. Selectmen said yes.

Mrs. DeFusco asked if this would open a can of worms for other subdivisions with similar problems, and if all subdivisions needed to be checked. Mr. Garrett said there might have been other problems in town before, but there would not be going forward.

Memorial Bench – Perry asked if the Veterans Memorial Committee is interested in one of the benches the Cole Foundation is promoting. Jo said she planned to mention that at their meeting the week after Thanksgiving. A short discussion followed on the Cole Foundation and the newspaper articles.

Ambulance Contract – Cynthia asked if the final contract with County Ambulance contained the correct fiscal year dates. Stu said he believed they did.

Child Development Services - Cynthia also reported that contrary to a statement at the school building forum the previous evening, that Child Development Services is NOT closing.

Roads- Jo asked about the status of the grading projects. Perry reported it has been too wet to complete. A brief discussion followed on removal of dead trees from the roadside.

Next Meeting – Due to scheduling conflicts, the next Board meeting will start at 7:30 PM on December 7, 2006.

There being no further business, the meeting adjourned at 8:45 PM

Respectfully Submitted

Stu Marckoon, Adm. Asst.